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April 17, 2024

VIA ECF AND ELECTRONIC MAIL TO: Failla_NYSDChambers@nysd.uscourts.gov

The Honorable Katherine Polk Failla
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007
(212) 805-029

MEMO ENDORSED

Re: Joint Letter-Motion for Adjournment of Pretrial Conference
Intentsify, LLC v. Intensity Demand, Inc., et al. (CASE NO. 1:24-CV-02101)

Dear Judge Failla:

Pursuant to Rule 5.2(b) and 7.1(d) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, together with Rule 2 of Judge Failla's Individual Rules of Practice in Civil Cases, Plaintiff Intentsify, LLC ("Plaintiff") and Defendants Intensity Demand, Inc. and Intensity Demand, Ltd. ("Defendants") (Plaintiff together with Defendants, the "Party/Parties") jointly submit this Letter-Motion for adjournment of the Initial Pretrial Conference (the "Motion").

In support of this Motion, the Parties state as follows:

- (i) The Initial Pretrial Conference was originally scheduled for June 7, 2024 at 3:30 p.m. ET.
- (ii) This is the first request for adjournment by any Party for any reason in this action.
- (iii) As no requests have been submitted, no requests have been either granted or denied by the Court.
- (iv) The Parties request an adjournment because Defendants' deadline to file answers or Rule 12 motions is June 3, 2024. Plaintiff's waiver requests were sent to the Defendants on April 2, 2024, and April 4, 2024 (Doc. 16 and Doc. 17). Defendants waived service on April 5, 2024. (Doc. 18 and Doc. 19). Accordingly, pursuant to Fed. R. Civ. P. 4(d), Defendants' respective deadlines to answer or serve a Rule 12 motion are both June 3, 2024.

The Parties believe more time is necessary after Defendants' answers or rule 12 motions to assess the claims, conduct the Fed. R. Civ. P. 16 conference, confer regarding a Proposed Civil Case Management Plan and Scheduling Order by the Thursday prior to the Initial Pretrial Conference and submit the letter required by the Court's Notice.

(v) All Parties consent to an adjournment of the Pretrial Conference.

Wherefore, the Parties respectfully request that the Court grant this Motion and enter an adjournment of the Initial Pretrial Conference. Thank you.

Respectfully Submitted,

/s/ Addison K. Schneider

John V. Matson, #25278, (*Admitted Pro Hac Vice*)

Addison K. Schneider, #27928 (*Admitted Pro Hac Vice*)

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Attorneys for Defendants.

cc: John V. Matson

Application GRANTED. The initial pretrial conference currently scheduled for June 7, 2024, is hereby ADJOURNED to **July 10, 2024**, at **12:00 p.m.**

Should Defendants choose to pursue motion practice, the Court advises Defendants to consult this Court's Individual Rules (which can be found at <https://www.nysd.uscourts.gov/hon-katherine-polk-failla>) regarding required pre-motion submissions.

The Clerk of Court is directed to terminate the pending motion at docket entry 20.

Dated: April 18, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE